

DALE FARM HOUSING ASSOCIATION

Secretary
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Bala Mahendran
Chief Executive
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COUNCIL UNDERTAKINGS RE DALE FARM

Dear Mr Mahendran,

We write to remind you of the undertakings given by Basildon Borough Council on 13 October this year to the High Court in respect of the Dale Farm estate, at Crays Hill.

Your attention is drawn in particular to the Council's undertaking that its servants or agents shall not use its powers pursuant of section 178 of the Town and Country Planning Act 1990 to secure compliance to the Enforcement Notices relating to the site in the following respects:

b) the stationing of caravans and the residential use of them on plots 45, 50 and 51

c) the brick built building on plot 33 and its residential use

e) the disconnection of utility services including electricity, water, gas and drainage provided to plots 28, 45, 50 and 51 and the brick building on plot 33 save insofar as it is necessary to enable it to carry out compliance works on other plots and in such circumstances the Defendant undertakes that it will ensure that suitable alternative provision of utilities services is made while such works are undertaken and that any utilities that are disconnected will be expeditiously reconnected once the works have been completed.

Note that by legal definition **residential** means "providing accommodation in addition to other services". An essential service to a residence, in order to comply with housing regulations, must include satisfactory sanitation arrangements.

In order to fulfil the undertaking not to interfere with **residential** use of the caravans and in the case of plot 33 the brick building, the council is therefore required not to interfere with the utility services which render the caravans and brick building residential or to reinstate such after lawful work is completed.

In the case of plots 45, 50, 51 and 33 the sanitation systems consist of sewage pipes leading to underground cess tanks, which require regular periodical emptying by a servicing company using specialized tanker trucks.

It follows that the council is obliged to leave in tact the sewage systems of these residences, including as an essential element in the preservation of their sanitary arrangements, the parts of the roadways known as Beauty Drive and Camilla Drive which provide the only vehicular access to them.

Sincerely

Grattan Puxon